

MEETING MINUTES
TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS

DATE: October 5, 2018
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
Poplar Room, 665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Hilde Phipps, Chair
Major McNeil, Citizen Member,
Ella Bentley, LADAC
David Brown, LADAC

ABESENT MEMBER: Thomas Corman, LADAC

STAFF

PRESENT: Latonya Shelton, ASA 3
Teddy Wilkins, Unit Director
Caroline Tippens, Assistant General Counsel

Ms. Hilde Phipps, Chair called the meeting to order at 9:17 a.m. A roll call vote was conducted and all Board members were present.

Ms. Wilkins asked staff to introduce themselves: Teddy Wilkins, Unit Director; Latonya Shelton, ASA3, Caroline Tippens, Assistant General Counsel.

Rule Making Hearing

Today the Board held a rulemaking hearing regarding rules 1200-30-01-.12 Continuing Education and 1200-30-01-.13 Professional Ethics proposed amendments. After, a brief discussion and comments and clarifications from recognized peers in the audience. Ms. Bentley made a motion approve the rule amendments for this rulemaking hearing in its entirety. Mr. McNeil seconded the motion The Board conducted a roll call vote and the results were as follows:

Ms. Hilde Phipps-Accept
Mr. Major McNeil-Accept
Mr. David Brown-Accept
Ms. Ella Bentley-Accept

Minutes

Upon review of the July 13, 2018 minutes Mr. McNeil made a motion, seconded by Mr. Brown to approve the minutes as written. The motion carried.

Office of General Counsel (OGC)

Ms. Tippens also discussed the conflict of interest policy with the board members:

PURPOSE: To assure that the individual interests of board members do not conflict with or have the appearance of conflicts with their responsibilities to the Board to which they are appointed.

CONFLICT OF INTEREST: A circumstance in which a board member's individual interest impairs or impedes, or gives the appearance of impairing or impeding, his or her ability to make full, unbiased decisions or to provide full unbiased service to the Board. Each board member shall disclose to the Board on a case-by-case basis, any personal relationship, interest or dealings that impairs or impedes, or gives the appearance of impairing or impeding, his or her ability to make full, unbiased decisions on a matter. Any board member who has a conflict of interest as defined above must recuse himself/herself from any matter and is prohibited from participating in any discussion or vote on the matter, and shall leave the hearing room during the discussion or vote. It is improper for any board member having a conflict of interest to attempt to influence another board member at any time, including prior to the discussion on the matter for which the conflict exists.

Legislation

Ms. Tippens informed the Board there two (2) cases pertaining to licensed alcohol and drug abuse counselors currently in the Office of General Counsel. Also, two (2) appeals of licensure denials will be heard before the Board today.

Rules

Ms. Tippens informed the Board that the following rule changes will be discussed at the October 5, 2018 Rulemaking Hearing:

Public Chapter 396, the “Kenneth and Madge Tullis, MD, Suicide Prevention Training Act,” requires the Board to promulgate rules regarding suicide prevention training. Public Chapter 396 requires that beginning on January 1, 2020, all licensed LADACs must take at least one approved course from the Department of Mental Health on suicide prevention every five (5) years. Applicants licensed after January 1, 2020 are also allowed to substitute one two (2) hour course on suicide prevention taken in the academic setting, provided it is Board approved.

Public Chapter 215 requires the Board adopt by rule Codes of Ethics or other quality standards into the rule. The Board’s adopted Code of Ethics is the National Association for Addiction Professionals (NAADAC) and the National Certification Commission for Addiction

Professionals (NCC AP). The latest NAADAC and NCC AP Code of Ethics approved by NAADAC and NCC AP were on October 9, 2016.

Public Chapter 350 allows healthcare providers to satisfy one hour of continuing education through the performance of one hour of voluntary healthcare services. The maximum amount of annual hours of continuing education that a provider can receive through providing volunteer healthcare services is the lesser of eight (8) hours or twenty percent (20%) of the provider's annual continuing education requirement. Since the Board currently requires fifteen (15) hours of continuing education, twenty percent (20%) of this requirement would be a maximum of three (3) credit hours of continuing education.

Current continuing education (CE) requirements for the board are evaluated on an annual basis, despite current licensure renewals being evaluated on a two year basis. To better align the CE requirements of the board to the current licensure schedule, to be less burdensome towards licensees, and to more closely mirror the practices of other boards, the Board of Alcohol and Drug Abuse Counselors seeks to change the 15 hours per year CE requirement to a 30 hours per two year requirement.

Office of Investigations

Ms. Leonard stated her office is currently monitoring one (1) practitioner; there are four (4) open complaints and five (5) closed.

Financial Report

Ms. Noranda French reviewed the Financial Report stating for the fiscal year 2018 actual revenue and expenditures ending June 30, 2018. The Board total direct expenditures of \$58,471.88 and allocated expenditures of \$16,349.66 for total expenditures of \$74,821.54 through June 30, 2018.

Ms. French said through June 30, 2018 the Board Fee Revenue totaled \$72,490.00, current year net -\$2331.54 and LARS improvements of \$2,432.36 for a total cumulative carryover of \$105,120.82.

Ms. French stated the projected fiscal year 2018 Board Fee Revenue totaled \$72,688.32, current year net \$4,786.70 and LARS improvements of \$2,286.87 for a total cumulative carryover of \$112,384.55.

The Board had questions and concerns regarding the increase of travel claim payments. After a brief discussion Ms. French stated that she would provide a more detailed report to address this concern.

Administrative Report

Ms. Shelton stated there are 452 licensees; four (4) level one applications; six (6) level two applications; four (4) reinstatement applications and one (1) reciprocity application.

Ms. Shelton stated fourteen (14) licenses have been issued; one (1) retired; five (5) expired; twenty-four (24) renewals and, two (2) denials. Ms. Shelton informed the Board that when online renewals went live on March 22, 2018 there was a coding error. The vendor is aware and they are actively working to resolve the issue to accurately reflect the online renewal numbers. At this time there is no mechanism in place.

Ms. Shelton stated the next meeting is January 18, 2019; April 5, 2019; July 13, 2019 and October 11, 2019.

Ratify newly licensed/reinstated applications

Ms. Phipps made a motion, seconded by Mr. Brown, to approve the following newly licensed applicants. The motion carried.

Level 1

Robin M. Jaffe
Wallace Cochran Smith
Michelle Ullom

Level 2

Karlton S. Bolton
Kristopher Debord
Pamela Gray
Doris Reed
Dr. Rodney Robertson
Bobby Vanhooser
Anthony Yanis

Applicants Interviews

Samuel Bond- Mr. Bond was not present. Mr. Bond's application for licensure was reviewed by the Board at their July 13, 2018 meeting. At that time, Mr. Bond had submitted documentation showing 220.75 of the 270 clock hours of alcohol and drug education pertaining to the eight domains. Mr. Bond has a Master of Social Work degree from Union University. Mr. Bond had requested the Board review his college courses and hours to insure they met the requirements for the remaining balance of 49.25 hours needed to complete the required 270 clock hours for licensure as an Alcohol and Drug Abuse Counselor in Tennessee. After a lengthy discussion, Mr. McNeil made a motion to table Mr. Bond's application because it was considered incomplete and requested that Mr. Bond submit his undergraduate transcript with degree conferred. Mr. Brown seconded the motion and the motion passed. Mr. Bond has submitted the requested additional documentation; Mr. Brown made a motion, seconded by Mr. McNeil, to approve Mr. Bond to sit for the Level 2 written exam. The motion carried.

Contested Cases

Jimmy Cook- Mr. Cook was present but not represented by legal counsel. Ms. Caroline Tippens, Assistant General Counsel represented the State and the Honorable Shannon Barnhill, Administrative Law Judge presided. On July 13, 2018, the Tennessee Board of Licensing for Alcohol and Drug Abuse Counselors (hereinafter "Board") met and considered Mr. Cook's application for licensure as a licensed alcohol and drug abuse counselor. Mr. Cook did appear for an interview with the Board. The Board voted to deny the request for licensure. The Board's

decision to deny Mr. Cook's application for licensure was based upon a review of his explanation of termination letter from Samaritan Recovery Community; the evidence submitted in Mr. Cook's application. Mr. Cook testified that he had developed feelings and entered into a sexual relationship with a female client. At which time Mr. Cook denied but two (2) years later this issue was readdressed and Mr. Cook admitted to the relationship. However, Mr. Cook failed to comply with clinical recommendation. In reaching their ruling, the Board noted that you may have boundary issues and may not have good moral or ethical character based on your testimony.

The provisions of the Rules Governing Licensure of Alcohol and Drug Abuse Counselors which Mr. Cook has violated, include, but are not limited to the following:

1200-30-01-.15(6)(j) Any other breach of NAADAC Code of Ethics or these rules.

N.A.A.D.A.C. Code of Ethics Standard 3: Dual Relationships

The addiction professional understands that the goal of treatment services is to nurture and support the development of a relationship of equals of individuals to ensure protection and fairness of all parties.

2. Because a relationship begins with a power differential, the addiction professional will not exploit relationships with current or former clients, current or former supervisees or colleagues for personal gain, including social or business relationships.

3. The addiction professional will not engage in professional relationships or commitments that conflict with family members, friends, close associates or others whose welfare might be jeopardized by such a dual relationship.

4. The addiction professional will not, under any circumstances, engage in sexual behavior with current or former clients.

5. The addiction professional will not accept as clients anyone with whom they have engaged in romantic or sexual relationships.

1200-30-01-.15(6)(l) When any applicant's application indicates a problem with the areas of mental, physical, moral or educational criteria for licensure or renewal which the Board determines may create a potential threat to the public health, safety, or welfare.

On today October 5, 2018 Mr. McNeil made a motion to uphold the previous licensure denial and adopt the proposed order in its entirety and Ms. Bentley seconded the motion. Mr. Cook was advised that the Board's denial of his licensure application is considered disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).

Clinton Primm- Mr. Primm was present and represented by legal counsel Andrew Davis. Ms. Caroline Tippens, Assistant General Counsel represented the State and the Honorable Shannon Barnhill, Administrative Law Judge presided. On July 13, 2018, the Tennessee Board of Licensing for Alcohol and Drug Abuse Counselors (hereinafter "Board") met and considered Mr. Primm's application for licensure as a licensed alcohol and drug abuse counselor. Mr. Primm did not appear for an interview with the Board. The Board voted to deny your request for licensure.

The Board's decision to deny your application for licensure was based upon a review of his application; the evidence submitted in Mr. Primm's application; and the statements made by his Qualified Clinical Supervisor, who appeared and testified before the Board. You supervisor testified that you had experienced a relapse in August 2017. Mr. Primm was recommended to leave the profession of alcohol and drug abuse counseling to regain one (1) year uninterrupted sobriety. However, Mr. Primm failed to comply with this clinical recommendation. In reaching its ruling, the Board noted that you may not have good moral or ethical character based on the testimony of your Qualified Clinical Supervisor.

The provisions of the Rules Governing Licensure of Alcohol and Drug Abuse Counselors which you may have violated, include, but are not limited to the following:

1200-30-01-.15(6)(i) Habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances or other drugs or stimulants in such a manner as to adversely affect the person's ability to practice;

1200-30-01-.15(6)(j) Any other breach of NAADAC Code of Ethics or these rules.

1200-30-01-.15(6)(l) When any applicant's application indicates a problem with the areas of mental, physical, moral or educational criteria for licensure or renewal which the Board determines may create a potential threat to the public health, safety, or welfare.

On today October 5, 2018 Ms. Bentley made a motion to uphold the previous licensure denial and adopt the proposed order in its entirety and Mr. McNeil seconded the motion. Mr. Primm was advised that the Board's denial of his licensure application is considered disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).

Discussion

Mr. Brown made a motion to table the discussion regarding educational requirements for licensure until the January 18, 2019 meeting. Mr. McNeil seconded the motion. The motion passed unanimously.

Application Review

Upon review of the application of Ms. **Mary Capers**, Mr. Brown made a motion, seconded by Mr. McNeil to approve Ms. Capers to sit for the Level 2 written exam. The motion carried.

Upon review of the application of Mr. **Jeffrey Elliott**, Mr. Brown made a motion, seconded by Mr. McNeil, to approve Mr. Elliott to sit for the Level 2 written exam. The motion carried.

Upon review of the application of Ms. **MaiTricia Ferrell**, Mr. Brown made a motion, seconded by Mr. McNeil, to approve Ms. Ferrell to sit for the Level 2 written exam. The motion carried.

Upon review of the application of **Ms. Lisel Jack**, Mr. Brown made a motion, seconded by Mr. McNeil, to approve Ms. Jack to sit for the Level 1 written exam. The motion carried.

Upon review of the application of **Ms. Moesha Johnson** Mr. Brown made a motion, seconded by Mr. McNeil, to approve Ms. Johnson to become licensed by reciprocity. The motion carried.

Upon review of the application of **Ms. Cynthia Lawler** Mr. Brown made a motion, seconded by Mr. McNeil, to approve Ms. Lawler to sit for the Level 1 written exam. The motion carried.

Upon review of the application of **Ms. Kelsey Rivers** Mr. Brown made a motion, seconded by Mr. McNeil, to approve Ms. Rivers to become licensed by reciprocity. The motion carried.

Upon review of the application of **Mr. Martin Telford** Mr. Brown made a motion, seconded by Mr. McNeil, to approve Mr. Telford to sit for the Level 2 written exam. The motion carried.

Upon review of the application of **Ms. Sherry Vautier** Mr. Brown made a motion, seconded by Mr. McNeil, to approve Ms. Vautier to sit for the Level 2 written exam. The motion carried.

Upon review of the application of **Mr. Donald Winkler** Mr. Brown made a motion, seconded by Mr. McNeil, to approve Mr. Winkler to become licensed by reciprocity. The motion carried.

With no other business to conduct, the meeting was adjourned at 3:33 p.m.

These minutes were ratified at the January 18, 2019 Alcohol and Drug Abuse Counselor Board meeting.